



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,730	03/18/2004	Edward P. Busam	100041-41195	6016
27805	7590	05/19/2009		
THOMPSON HINE L.L.P. Intellectual Property Group P.O. BOX 8801 DAYTON, OH 45401-8801				
EXAMINER				
ADDRESSEE, SARA				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
05/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,730

Applicant(s)

BUSAM ET AL.

Examiner

SARA ADDISU

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26, 31-33 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25, 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 26 and 45 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/18/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED OFFICE ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 26 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollingsworth (USP 6,837,346).

Regarding claim 26, HOLLINGSWORTH teaches method for manipulating a binder comprising: a first cover (Examiner is defining the first cover to be 16, 28 and the area surrounding 28 as a unit); a second cover (18), pivotally coupled to the first cover; both covers being generally flat and planar ('346, Figs. 1-3); said first cover including a first opening (30); a spine (24) located between and pivotally coupled to the first cover (16) and the second cover (16) about a hinge. HOLLINGSWORTH also teaches a pocket (86: pocket including a first panel (88) and an opposing side defining a cavity there between and a mouth coupled to said first cover (i.e. portion (28) of said first cover) ('346, FIGURES 1-3). HOLLINGSWORTH also teaches that the movement of panel (28) and pop-pop-out compartment (29) causes pockets (86) to be moved exteriorly outwardly and the opening to the pocket (86) is pivoted away from the first wall (16) (i.e. pocket (86) and its cavity is accessed from the first side by opening panel 30) and since panel 28 will be positioned exteriorly outwardly (i.e. to the left of the first cover's (16) plane). HOLLINGSWORTH also teaches the first panel defining a plane

and having a first and an opposing second side whereby the access to pocket (86) will also be above the first covers' plane thus will not intersect said plane ('346, col. 15, lines 1-15 and figure 2). HOLLINGSWORTH also teaches pockets (86) protruding interiorly (i.e. to the right of the covers' plane, the pocket and its cavity being accessed from the second side of the first cover and since they protrude interiorly, the access to the pockets will not intersect the plane of the plane) ('346, figures 3 and 4 & col. 14, lines 37-42). Furthermore, HOLLINGSWORTH teaches the fully closed and fully open positions are obtained via pivotal or rotational movement of first cover and/or second cover (18) along a hinge, pivot or spine formed by left side wall 24 ('346, col. 7, lines 51-54). When the binder is in the open position, the pocket cavity can be simultaneously accessed from both first and second sides of the first cover. When portion (28) is in its fully open position (i.e. pivoted to 180 degrees) such that panel (28) is parallel to the hinge line of the first and second cover, the pocket cavity would also include a mouth oriented "generally" parallel to said pivot line (see figure below). Furthermore HOLLINGSWORTH teaches a first releasable fastening mechanism (94,94') positioned between the first panel (88) and first cover (i.e. portion 28 of the first cover) ('346, figures 1 and 2).

HOLLINGSWORTH discloses the claimed invention (i.e. the front panel (88) of the pocket being independently pivotable relative to the rear panel), except for the rear panel of the pocket being independently pivotable relative to the front panel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pocket as a separate piece/casing that is removable, because it has

been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Furthermore, an example of such modification is taught by HOLLINGSWORTH whereby a casing (66) having a front panel (76), a rear panel (74) that are independently pivotable relative to the other ('346, figure 3 and col. 12, line 37 through col. 13 line 43). HOLLINGSWORTH also teaches the added advantage of having a separate pocket/casing such as (66) for the purpose of the capability to selectively remove or detach it to be used independently of the carrying case binder ('346, col. 13, lines 34-43). The receptacle 66 can have any configuration or dimension and can be designed with a particular configuration and dimension to receive a particular type of object including an electronic device.

Allowable Subject Matter

2. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claims 22-25, 31 and 32 are allowed.

Regarding independent claim 22, the closest prior art to the instant invention is Hollingsworth (USP 6,837,346). Please refer to the above rejection for the teaching of Hollinsworth. Furthermore, HOLLINGSWORTH discloses the claimed invention except for a second panel of a pocket and a second fastening mechanism positioned on or between said second panel and said first cover. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pocket as

a separate piece/casing that is removable, because it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Furthermore, an example of such modification is taught by HOLLINGWORTH whereby a casing (66) having a first panel (76), a second panel (74), a first releasable fastening mechanism (82,82') positioned between the first panel (76) and first cover (i.e. portion 16 of the first cover) and a second fastening mechanism (84) positioned on or between said second panel (76) and said first cover (i.e. portion 16 of the first cover) such that the second panel (74) and the first cover are releasably attached ('346, figure 3 and col. 12, line 37 through col. 13 line 43). HOLLINGSWORTH also teaches the added advantage of having a separate pocket/casing such as (66) for the purpose of the capability to selectively remove or detach it to be used independently of the carrying case binder ('346, col. 13, lines 34-43). The receptacle 66 can have any configuration or dimension and can be designed with a particular configuration and dimension to receive a particular type of object including an electronic device.

However, HOLLINGSWORTH fails to anticipate or make obvious the first releasable fastening mechanism (82,82') allowing the first cover to be releasably joined to the first panel.

Response to Arguments

Applicant's arguments filed 11/17/08, with respect to claim 22 have been fully considered and are persuasive. The rejection of claim 22 and it's dependents has been withdrawn.

However, please note the rejection of claim 26 still applies. Examiner has further elaborated above how previously applied prior art reads on claim 26.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sara Addisu/
Examiner, Art Unit 3724
5/15/09
/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724